



Connecticut Sexual Assault Crisis Services, Inc.

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**Testimony of Connecticut Sexual Assault Crisis Services
Regarding HB 6342, AN ACT CONSIDERING CRIMINAL PENALTIES
FOR FAILURE TO REPORT CHILD ABUSE**

**Anna Doroghazi, Director of Public Policy and Communication
Wednesday, February 13, 2013**

Senator Coleman, Representative Fox, and members of the Judiciary Committee: my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs, which provide sexual assault counseling and victim advocacy to men, women, and children of all ages. During our last fiscal year, advocates throughout the state provided hospital and court accompaniment, support groups, individual counseling, 24/7 hotline support, and post-conviction services to over 7,000 victims and survivors of sexual violence. Over 1,100 of these victims were children and adolescents.

Based on our experience and expertise working with survivors of child sexual abuse and their families - and as mandated reporters - we are pleased to have this opportunity to comment on HB 6342, AN ACT CONCERNING CRIMINAL PENALTIES FOR FAILURE TO REPORT CHILD ABUSE.

Section 1: We support changes to Section 53-21 of the general statutes that would create penalties for interfering with or preventing a report of suspected child abuse or neglect. In recent years, abuse cover-ups at Penn State and various Catholic dioceses have demonstrated the devastating consequences of individuals and institutions putting their reputations above the interests of children. When mandated reporters observe abuse and attempt to report it, they should be able to meet their legal and moral obligations to children without interference. Because we know that child abuse is likely to continue in the absence of intervention, it is reasonable to assign criminal penalties to individuals who actively thwart reporting and allow abuse to continue.

Section 2: While we appreciate the intent behind the proposed changes to Section 17a-101a and support penalties for individuals who willfully fail to report abuse, we are concerned that the threat of criminal penalties may not be effective in increasing overall compliance with mandated reporter laws. Connecticut is one of just a handful of states that do not use a misdemeanor designation for failure to report; currently, failure to report carries a fine of \$500 to \$2500 and requires participation in an educational and training program.

One investigation conducted in the wake of the Penn State scandal found that very few individuals are charged with failure to report, regardless of the associated penalties: of the twenty-five states reviewed in the investigation, sixteen averaged fewer than two charges for failure to report each year.¹ In the past decade, only fifteen people in Connecticut have been cited

¹ Heath, Brad. "Few penalties for keeping child abuse secret." *USA Today* 16 December 2011.

for failure to report, and all but two of those cases were dropped.² To put these numbers in context, Connecticut's Department of Children and Families substantiated approximately 6,800 reports of child abuse or neglect in 2010 alone. A misdemeanor charge may be suitable punishment for individuals who willfully neglect to report known or suspected abused, but if the punishment is not regularly pursued and evenly applied, it seems unlikely that it will produce tangible benefits for children.

Additional thoughts: Although not addressed in HB 6342, education has potential to improve mandated reporting rates. Connecticut currently requires the Commissioner of Children and Families to "develop an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training shall be *made available* to all persons mandated to report child abuse and neglect..." [Sec. 17a-101(c)]. Instead of making training *available*, Connecticut could make training *required* for all persons mandated to report child abuse and neglect.

When mandated reporters fail to report abuse and neglect, it is often because they do not understand their obligations, they do not feel confident in their ability to identify abuse, they are not comfortable with some aspect of being involved in the reporting process, or they do not understand how reporting will improve outcomes for the child involved. Required education for mandated reporters could address these issues. It could also help mandated reporters understand how to respond to abused children in a manner that is supportive, that does not cause further trauma, and that does not harm future criminal investigations.

Effective mandated reporter training would include information about how to identify abuse, how to file a report, and what to expect once a report has been made. It would also acknowledge the conflicted feelings and emotional difficulty of filing a report, especially when potential abusers are known to the reporter, and it would reinforce the fact that mandated reporters are not and do not need to be investigators. Mandated reporters do not need to interrogate children before filing a report, and they should realize that extensively questioning a child could both traumatize the child and jeopardize legal proceedings.

There is some precedent for states requiring training for mandated reporters – this seems to be especially true of mandated reporters who are licensed through the state. Examples of states that include at least some state-licensed mandated reporters to complete training on child abuse identification and reporting include: New York, Massachusetts, Iowa, and Minnesota. Requiring training for even a portion of mandated reporters (such as those licensed through the state) could dramatically improve the overall response to victims of child abuse and neglect.

Thank you for this opportunity to comment on HB 6342, AN ACT CONCERNING CRIMINAL PENALTIES FOR FAILURE TO REPORT CHILD ABUSE. We appreciate the Judiciary Committee's efforts to improve mandated reporting and protect victims of child abuse.

² Heath, Brad. "Few penalties for keeping child abuse secret." *USA Today* 16 December 2011.